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HISTORY AND UNDERLYING PRINCIPLES OF COMMISSION GOVERNMENT

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The history of the commission form of municipal government, prior to 1907, was short and simple. Up to that time the plan had been adopted and put into operation in two cities. The new charter of Galveston, granted in 1901 and taking effect in September of that year, placed the government of that city in the hands of a single board of five commissioners. In 1905 Houston installed a somewhat similar form. Under the new system, Galveston proceeded to lay a seawall, to fill and regrade and rebuild, to renew its credit and to re-establish itself; after these things had been accomplished, it turned its attention to city government proper. Houston applied the small board plan at once to the usual municipal problems. "Commission government in cities" was, in 1906, a term almost unknown in American municipal politics.

But forces were at work which were to change all this and soon James G. Berryhill, of Des Moines, had already been South and brought back news of improved conditions in Galveston. A committee of Kansas citizens visited Texas and inspected the workings of the new plan. In October, 1906, McClure's Magazine published an article by George Kibbe Turner, describing the city government of Galveston. This article was widely read and provoked much discussion. In 1907, the idea spread and took on new form and meaning. In that year, Dallas, Fort Worth, El Paso, Denison and Greenville, Texas, followed the two pioneer cities in obtaining commission charters from the legislature; Iowa passed a general act permitting cities of over 25,000 population to adopt the commission form; Kansas passed two laws, one for cities of the first class (over 15,000 population), and the other applying to cities of the second class (2,000—15,000 population); North Dakota and South Dakota passed commission acts; and Lewiston, Idaho, secured a new char-

ter, drawn on lines similar to those of Galveston, except that the commission had seven members instead of five. The Iowa cities waited until the Supreme Court of that state declared the law constitutional; then Des Moines and Cedar Rapids elected and installed their commissioners, followed later by other municipalities. By May, 1908, a dozen cities had the plan in operation. Haverhill and Gloucester, Massachusetts, secured commission charters in June; in Ardmore and Tulsa, Oklahoma "home-rule" charters providing for government by a commission were submitted by a board of freeholders a little later in the same year. In 1909 came a great access to the list of commission governed cities. The number has continued to increase since. The table on page 5 shows the growth of the movement, by years, through 1909.

In 1910 and 1911, large numbers of cities adopted the commission form; the list at present (October, 1911) includes more than 160 municipalities; if the term commission governed be loosely and vaguely construed, between twenty and thirty other cities may be added. It seems desirable, however, to confine the use of the term within fairly definite limits, as will be noted later.

Not only did the commission idea spread to cities and states far from Texas, but the commission form itself underwent development. The commission of Galveston, after the amendment of 1903, which made all the members of the board elective, consisted of a single small commission-council, elected at large, and vested with both legislative and administrative authority, each member being head of a particular department. Houston accepted these fundamental features, but made the mayor-commissioner more powerful than the other members, by virtue of his power of removal, whereas in Galveston the mayor possesses about the same power as the other commissioners. Houston also included a referendum on franchises. The "Des Moines Plan,"—that is, the Iowa law—followed Galveston on the whole, but added the referendum on all ordinances, the initiative, the recall of officials on petition of twenty-five per cent of the voters and an adverse vote at the recall election, non-partisan nominating and election provisions, a civil service commission, and minor features. "Permit the voters," reasoned the framers of the Iowa act, "to protest against the passage of any ordinance, and to vote upon it, upon petition of twenty-five per cent of the electors; permit them to propose and pass an ordinance, if the council refuses,

SPREAD OF COMMISSION GOVERNMENT IN CITIES

Year	City Securing Charter or State Passing Act	Cities Beginning Operation
1901.....	Galveston, Tex.....	Galveston, Tex.
1905.....	Houston, Tex.....	Houston, Tex.
1907.....	Dallas, Tex..... Fort Worth, Tex..... El Paso, Tex..... Denison, Tex..... Greenville, Tex..... Lewiston, Ida..... Iowa..... Kansas (1)..... Kansas (2)..... South Dakota..... North Dakota.....	Dallas, Tex. Fort Worth, Tex. El Paso, Tex. Denison, Tex. Greenville, Tex. Lewiston, Ida.
1908.....	Haverhill, Mass. Gloucester, Mass. Ardmore, Okla. (a). Tulsa, Okla. (a). Leavenworth, Kan..... Independence, Kan..... Sioux Falls, S. D.	Mandan, N. D. Cedar Rapids, Ia. Des Moines, Ia. Leavenworth, Kan.
1909.....	Austin, Tex..... Waco, Tex..... Palestine, Tex..... Corpus Christi, Tex..... Marshall, Tex..... Memphis, Tenn. High Point, N. C..... Huntington, W. Va..... Bluefield, W. Va..... Keokuk, Ia..... Burlington, Ia. Colorado Springs, Col..... Grand Junction, Col..... Berkeley, Cal..... San Diego, Cal..... Tacoma, Wash..... Wichita, Kan..... Hutchinson, Kan..... Topeka, Kan..... Anthony, Kan..... Caldwell, Kan..... Kansas City, Kan..... Coffeyville, Kan..... Parsons, Kan. Bismarck, N. D..... Minot, N. D.....	Austin, Tex. Waco, Tex. Palestine, Tex. Corpus Christi, Tex. Marshall, Tex. Haverhill, Mass. Gloucester, Mass. High Point, N. C. Huntington, W. Va. Bluefield, W. Va. Ardmore, Okla. Enid, Okla. Tulsa, Okla. Colorado Springs, Col. Grand Junction, Col. Berkeley, Cal. San Diego, Cal. Wichita, Kan. Hutchinson, Kan. Independence, Kan. Anthony, Kan. Caldwell, Kan. Sioux Falls, S. D. Bismarck, N. D. Minot, N. D.

(a) Date charter submitted by Board of Freeholders.

and to remove officials, if necessary, before their term of office has expired. Prohibit party designation or mark on local ballots; provide for nomination by petition; arrange the names of candidates alphabetically; and provide a municipal civil service commission." All these provisions look toward the elimination of national politics

from city elections, and toward the more complete and direct control of officials by the people.

Other laws made similar provisions. The more recent charters and general acts seem to show a marked tendency to include these features. Another variation of interest is the preferential ballot of Grand Junction, Colorado, adopted in several other cities, whereby primary and election are consolidated into a single election at which the voter is enabled to express his second and third as well as his first choice of candidates.

The commission form, therefore, has developed from the early type in use at Galveston to the more recent form which tends to include such direct popular "checks" as the referendum, the recall, the initiative, a non-partisan ballot, and sometimes other items.

Inspection of the forms of commission government actually existing affords a basis for any discussion of the essential features of the plan, which cannot well be disregarded. By this means, arbitrary definitions may be avoided, and some agreement be reached as to what is the essence of this new type of municipal government to which the term "commission form" has been applied. An approximate tabulation of the main features found in the various commission charters and general acts is shown on pages 7 to 9.

From this table, it appears that at least five items are found in all the commission laws: (1) Both legislative and administrative authority is exercised by the same governing body, (2) each member of which is placed in charge of a division of the administrative work of the city, usually a department; (3) the board is small, having never more than ten members and usually not over five; (4) all the members are elected by all the voters of the city, not by wards; and (5) one or more methods of direct popular control, besides methods of publicity, are usually included, the referendum, initiative, recall, or other features being present in many but not in all of the commission forms.

A predominating feature appears, upon closer examination of these elements and study of their significance, to be the first named feature—the centering of both legislative power and administrative authority in the one small board. The usual city council has been, in the past, a body primarily legislative in its nature, its administrative oversight has been of a loose and uncertain sort, exercised mainly by means of committees, and the administration—mayor and

SUMMARY OF MAIN FEATURES OF COMMISSION CHARTERS AND LAWS

Charters

CITY	Com- mission has both Legisla- tive and Admin- istrative Power	Each Com- mis- sioner heads Depart- ment	Small Board (a)	Elec- tion at Large	Pub- licity	Refer- endum (b)	Initi- ative	Recall	Non- parti- san Pri- mary and Elec- tion Meth- ods	Civil Service Com- mission
Texas—										
Galveston.....	x	x	x	x	x	(c)	—	—	—	—
Houston.....	x	x	x	x	x	x	—	—	—	—
Dallas.....	x	x	x	x	x	x	x	x	(d)	—
Fort Worth.....	x	x	x	x	x	x	x	x	—	—
El Paso.....	x	x	x	x	x	x	—	—	—	—
Denison.....	x	x	x	x	x	x	—	x	—	—
Greenville.....	x	x	x	x	x	x	—	—	—	—
Austin.....	x	x	x	x	x	x	x	x	x	—
Waco.....	x	x	x	x	x	x	x	x	—	—
Palestine.....	x	x	x	x	x	x	—	x	—	—
Corpus Christi	x	x	x	x	x	x	—	x	—	—
Marshall.....	x	x	x	x	x	x	x	x	—	—
Idaho—										
Lewiston.....	x	x	x	x	x	x	x	x	(d)	(e)
Massachusetts—										
Haverhill.....	x	x	x	x	x	x	x	x	x	—
Gloucester.....	x	x	x	x	x	x	x	—	—	—
Lynn.....	x	x	x	x	x	x	x	x	x	—
Tennessee—										
Memphis.....	x	x	x	x	x	x	—	—	—	x
Chattanooga.....	x	x	x	x	x	x	—	x	(d)	x
North Carolina—										
High Point.....	x	x	x	x	x	x	—	—	—	—
Wilmington.....	x	x	x	x	x	x	x	x	x	x
West Virginia—										
Huntington.....	x	x	x	x	x	(g)	—	(g)	(f)	(h)
Bluefield.....	x	x	x	x	x	(g)	—	(g)	(f)	(h)
Parkersburg.....	x	x	x	x	x	x	x	x	x	x
Oklahoma—										
Ardmore.....	x	x	x	x	x	x(i)	x(i)	x	(j)	—
Enid.....	x	x	x	x	x	x	x	x	(j)	—
Tulsa.....	x	x	x	x	x	x	x	x	(k)	—
McAlester.....	x	x	x	x	x	x	x	x	(j)	—
Muskogee.....	x	x	x	x	x	x	x	x	(j)	x
Bartlesville.....	x	x	x	x	x	x	x	x	(j)	—
Sapulpa.....	x	x	x	x	x	x	x	x	x	—
Duncan.....	x	x	x	x	x	x	x	x	(j)	—
Guthrie.....	x	x	x	x	x	x	x	x	x	—
Colorado—										
Col. Springs....	x	x	x	x	x	x	x	x	x	x
Grand Junction	x	x	x	x	x	x	x	x	(l)	x
California—										
Berkeley.....	x	x	x	x	x	x	x	x	x	x
San Diego.....	x	x	x	x	x	x	x	x	x	—
Oakland.....	x	x	x	x	x	x	x	x	x	x
Modesto.....	x	x	x	x	x	x	x	x	x	—
San Luis Obispo.....	x	x	x	x	x	x	x	x	x	—
Santa Cruz.....	x	x	x	x	x	x	x	x	x	—
Vallejo.....	x	x	x	x	x	x	x	x	x	(m)
Monterey.....	x	x	x	x	x	x	x	x	x	(m)
Washington—										
Tacoma.....	x	x	x	x	x	x	x	x	x	x
Spokane.....	x	x	x	x	x	x	x	x	(n)	x
Oregon—										
Baker.....	x	x	x	x	x	x(p)	x(p)	x(p)	x(o)	—
Minnesota—										
Mankato.....	x	x	x	x	x	x	x	x	x	—
Maryland—										
Cumberland....	x	x	x	x	x	—	—	—	x	—

SUMMARY—Continued. *Charters*

CITY	Com- mission has both Legisla- tive and Admin- istra- tive Power	Each Com- mis- sioner heads Depart- ment	Small Board (a)	Elec- tion at Large	Pub- licity	Refer- endum (b)	Initi- ative	Recall	Non- parti- san Pri- mary and Elec- tion Meth- ods	Civil Service Com- mission
Michigan—										
Port Huron....	x	x	x	x	x	x	x	—	x	—
Pontiac.....	x	x	x	x	x	x	x	x	x	—
Harbor Beach..	x	x	x	x	x	x	x	—	x	—
Wyandotte....	x	x	x	x	x	x	x	x	x	x

- (a) Less than 10 commissioners or councilmen.
 (b) An x has been placed in this column opposite each city or state making provision either for a referendum on all ordinances or a referendum on franchises.
 (c) Referendum only on bond issues, under state law.
 (d) Partial.
 (e) Mayor and council have power to provide for selection of agents, officers, and employees, under civil service rules.
 (f) Unusual provision.
 (g) Exercised by citizens' board.
 (h) Board of commissioners acts as civil service board.
 (i) Provisions for referendum and initiative are contained in Oklahoma constitution.
 (j) No provision in charter. May have either partisan or non-partisan primaries, in accordance with state constitution.
 (k) Partial.
 (l) Preferential ballot.
 (m) Council may establish civil service commission.
 (n) Preferential ballot.
 (o) No primary proper.
 (p) State laws apply, permitting referendum, initiative, and recall.

General Acts

STATE	Com- mission has both Legisla- tive and Admin- istra- tive Power	Each Com- mis- sioner heads Depart- ment	Small Board (a)	Elec- tion at Large	Pub- licity	Refer- endum (b)	Initi- ative	Recall	Non- parti- san Pri- mary and Elec- tion Meth- ods	Civil Service Com- mission
Iowa.....	x	x	x	x	x	x	x	x	x	x
Kansas—cities of first class....	x	x	x	x	x	x	x	x	x	x
Kansas—cities of second class...	x	x	x	x (b)	x	x	x	—	x (c)	—
South Dakota...	x	x	x	x	x	x	x	x	x	—
North Dakota...	x	x	x	x	x	x	x	x	—	—
Wisconsin.....	x	x	x	x	x	x	—	—	x	—
Minnesota.....	x	x	x	x	x	x (d)	x (d)	x (d)	x	—
Illinois.....	x	x	x	x	x	x	x	x	x	x (e)
New Mexico....	x	x	x	x	(b)	x	—	—	—	—
Mississippi....	x	x	x	x	x	x	—	—	—	—
Kentucky.....	x	x	x	x	x	x	x	—	x	—
Louisiana.....	x	x	x	x (b)	x	x	x	x	—	—
South Carolina..	x	x	x	x (b)	x	x	x	x	(f)	x
Texas.....	x	x	x	x	x	(g)	—	—	—	—
Alabama—cities of 100,000....	x	x	x	x	x	x	—	x	x	—
Alabama—cities of 25-50,000...	x	x	x	x	x	x	—	x	x	—

SUMMARY—Continued. *General Acts*

STATE	Com- mission has both Legisla- tive and Admin- istrative Power	Each Com- mis- sioner heads Depart- ment	Small Board (a)	Elec- tion at Large	Pub- licity	Refer- endum (b)	Initi- ative	Recall	Non- parti- san Pri- mary and Elec- tion Meth- ods	Civil Service Com- mission
Alabama (general).....	x	x	x	x	x	x	—	x	(h)	—
California (i)....	x	x	x	x	x	x(j)	x(j)	x(j)	—	—
Idaho.....	x	x	x	x	x	—	x	x	x	—
Montana.....	x	x	x	x	x	x	x	x	x	x
New Jersey.....	x	x	x	x	x	x	x	x	x	—
Utah.....	x	x	x	x	x	—	—	—	—	—
Washington.....	x	x	x	x	x	x	x	x	x	—
Wyoming.....	x	x	x	x	x	x	x	x	x	—

- (a) Less than 10 commissioners or councilmen elected.
 (b) In practice, but not specified in commission law.
 (c) Does not apply to cities of less than 10,000 population.
 (d) City may provide for this feature in charter.
 (e) City may adopt state civil service laws.
 (f) Partial; unusual provision.
 (g) Referendum only on bond issues, under state laws.
 (h) Preferential ballot.
 (i) Applies to cities of fifth and sixth classes.
 (j) Separate act permits referendum, initiative, and recall.

municipal department—has been separated and removed from the council, many of its officers being separately elected and not accountable to the council. Under the commission plan, the single, small group passes ordinances, appoints and removes all subordinate administrative officials, fixes their salaries (in most cases), and determines their duties. If this constitutes a principle, it is that of the concentration of substantially all municipal authority in one small board.

Closely connected with this feature is the placing of each of the members of the board in direct charge of a department, thus conveniently subdividing the work of administration, and insuring close oversight of each branch of municipal work. While the board as a whole is responsible for the administration of city affairs, each commissioner is answerable to the board and to the citizens and voters for his part of the work.

The commission is small; its members are few enough so that each receives close scrutiny at election time. The board is also small enough for prompt and effective action, when necessary.

These three elements relate to the size, powers and form of

organization of the municipal governing body. The fourth feature has to do with the organization of the electorate. The electorate, instead of being divided into wards, is a single body. Under the usual aldermanic plan, the voters are organized into wards, for electing councilmen, but act as a whole in voting for mayor, assessor and frequently for other administrative officials. The organization of the voters of the city as a single group is not only simpler, but recognizes the unity of the city—the need to choose men who will represent the entire municipality.

The initiative, referendum and recall have to do with the relation of the voters to their governing body and represent an attempt to make the latter more responsive to the will of their constituents. The referendum separates the ordinance from the men who passed it, and enables an expression of public opinion, directly on the measure. The recall makes it possible to remove an official, without waiting till the end of his term,—the emergency right to discharge a public servant. These are calculated to insure more adequate representation—more direct popular control of government—a principle which extends beyond the realm of municipal government into state and nation, and constitutes one of the most important elements connected with the commission form.

The non-partisan primary and election aim to separate local interests from national or state politics. The municipal civil service commission is intended to insure the merit system in city affairs. Other provisions and restrictions aim to remedy franchise abuses, prevent corrupt practices at elections, and check other evils.

It is undoubtedly possible to adopt some of these features and to omit others. The writer is disposed to regard the presence of the first four elements and one or more of those grouped under the fifth head as constituting a true commission form. If so, it may be defined as that form of city government in which a small board (less than ten) elected at large, exercises substantially the entire municipal authority, each member being assigned as head of a rather definite division of the administrative work; the commission being subject to one or more means of direct popular control such as publicity of proceedings, recall, referendum, initiative and a non-partisan ballot.

This, however, will not prevent many cities from adopting in their new charters most or all of the methods of control referred to,

as seem to them desirable, in which case they will have no less a commission form than with fewer direct "checks." If a charter of the new type is to be adopted, the important question is not: "Is it a commission charter?" but "Is it the best possible commission charter which can be framed for our city?" To this question, each municipality must make its own answer.